

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA *EX REL.* :  
LOTHAR E.S. BUDIKE, SR. :  
v. : CIVIL ACTION  
PECO ENERGY, ET AL. : NO. 07-4147

**ORDER**

**AND NOW**, this 4<sup>th</sup> day of November, 2013, upon consideration of Defendant General Dynamics American Overseas Marine's Motion to Dismiss the Second Amended Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) (ECF No. 65) and Plaintiff's Motion for Leave to Amend the Second Amended Complaint (ECF No. 66), it is  
**ORDERED** that the Plaintiff's Motion is **GRANTED**, and the Defendant's Motion is **DISMISSED** without prejudice.

**IT IS SO ORDERED.**

**BY THE COURT:**



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**R. BARCLAY SURRICK, J.**